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8 *Attorneys for Plaintiffs*

9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 IN RE: INCRETIN MIMETICS
13 PRODUCTS LIABILITY
14 LITIGATION,

15 *This Document Relates only to*
16 MAE FUJIMOTO INDIVIDUALLY AND
AS SUCCESSOR-IN-INTEREST AND
17 SURVIVING HEIR OF GLENN FUJIMOTO,
DECEASED

18 Plaintiffs,

19 V.

20
21 AMYLIN PHARMACEUTICALS, INC.,
AMYLIN PHARMACEUTICALS, LLC,
22 ELI LILLY AND COMPANY, and DOES 1-
23 100

24 Defendants.

MDL Case No.13md2452 AJB

**STIPULATION AND JOINT MOTION
TO AMEND CAPTION AND FOR
PLAINTIFFS' LEAVE TO FILE A FIRST
AMENDED COMPLAINT**

Case No.: 3:13-cv-00993-AJB-MDD

25 **STIPULATION AND JOINT MOTION TO AMEND CAPTION TO REFLECT**
26 **MAE FUJIMOTO'S NEW STATUS AS PERSONAL REPRESENTATIVE**
27 **OF THE ESTATE OF GLENN FUJIMOTO, DECEASED AND FOR**
28 **LEAVE TO FILE PLAINTIFFS' FIRST AMENDED COMPLAINT**

**STIPULATION AND JOINT MOTION TO AMEND CAPTION AND FOR
PLAINTIFFS' LEAVE TO FILE A FIRST AMENDED COMPLAINT**

1 1. Pursuant to Fed. R. Civ. P. 15(a), Plaintiffs desire to amend the case caption to reflect
2 Mae Fujimoto's new status as Personal Representative of the Estate of Glenn Fujimoto, Deceased.

3 2. Plaintiffs represent that Mae Fujimoto has duly qualified and is now acting as the
4 Personal Representative of the Estate of Glenn Fujimoto, Deceased. (*See attached Exhibit A,*
5 *Letters Testamentary*).
6

7 3. The facts stipulated to here are reflected in Plaintiffs' proposed first amended
8 complaint which is attached as Exhibit B to this Stipulation and Joint Motion.

9 4. Defendants reserve all rights and defenses with respect to any and all claims.

10 IT IS HEREBY STIPULATED by the parties that the case caption be amended to reflect Mae
11 Fujimoto's new capacity as the Personal Representative of the Estate of Glenn Fujimoto, Deceased,
12 and that Plaintiffs be permitted to file the proposed first amended complaint attached herewith as
13 Exhibit B to this Stipulation.
14

15 Dated: June 6, 2014

Respectfully Submitted,

17 /s/ Thomas J. Preuss

18 Thomas P. Cartmell

19 Thomas J. Preuss

20 David McMaster

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